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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/653,804

09/03/2003

Rudolf Maarten Bolle

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7590

09/09/2004

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EXAMINER

KIBLER, VIRGINIA M

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/653,804	<b>Applicant(s)</b> BOLLE ET AL.	
	<b>Examiner</b> Virginia M Kibler	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-12 is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-9, 13 and 14 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 September 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>09032003</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Oath/Declaration***

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the mailing or post office address of each inventor. A mailing or post office address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing or post office address should include the ZIP Code designation. The mailing or post office address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

### ***Specification***

2. The disclosure is objected to because of the following informalities: "biometrcs" should be changed to "biometrics" on page 4, line 17; and "wich" should be changed to "which" on page 13, lines 2.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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4. Claims 1-3, 7-9, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westerman et al. (6,323,846) in view of Pu et al. (5,933,515).

Regarding claim 1, Regarding claim 1, Westerman discloses a system comprising an acquisition device for acquiring and storing a sequence of discrete images from a part of a hand 2 moving during a time period (Col. 9, lines 15-17). Westerman also discloses a trajectory process that determines the position and orientation of the images as a function of time during the time period (Col. 9, lines 24-35). Westerman further discloses an estimator that determines a distortion of the discrete images as a function of time due to the change in position and orientation (Col. 43, lines 54-57) wherein the estimator process determines distortion by determining at least a motion of an image pattern occurring in one or more blocks of at least two of the discrete images (Col. 43, lines 54-57; Col. 13, lines 23-26, 49-54). Westerman does not disclose a sequence of discrete print images. However, it is well known to extract motion information from various image sequences. Furthermore, Pu et al. ("Pu") teaches that it is known to acquire and store a sequence of discrete print images from a part of a hand moving during a period of time (Abstract, lines 4-6; Col. 6, lines 20-49; Col. 8, lines 37-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the discrete images disclosed by Westerman to include discrete print images, as taught by Pu, in order to improve the identification capability.

Regarding claim 2, Pu discloses the part of the hand including a fingerprint (Abstract, lines 4-6).

Regarding claim 3, Westerman discloses the distortion being caused by the rotation (Col. 43, lines 54-57).

Regarding claims 7-9, the arguments analogous to those presented above for claims 1-3 are applicable to claims 7-9, respectively.

Regarding claims 13 and 14, the arguments analogous to those presented above for claim 1 are applicable to claims 13 and 14. Westerman does not appear to recognize using the determined distortion to identify or authenticate a person. However, Pu discloses using a distortion of discrete print images as a function of time with one or more previously determined distortions of discrete print images as a function of time in order to identify and authenticate a person (Figure 1, 108; Col. 4, lines 55-67, Col. 5, lines 1-3; Col. 6, lines 3-12).

#### ***Allowable Subject Matter***

5. Claims 4-6 and 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 10-12 are allowed.

#### ***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Virginia M Kibler whose telephone number is (703) 306-4072. The examiner can normally be reached on Mon-Thurs 8:00 - 5:30 and every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Virginia Kibler can be reached on (703) 308-4072. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Virginia Kibler  
08/25/04

MEHRDAD DASTOURI  
PRIMARY EXAMINER

